



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO. 08/848,243	FILING DATE 04/29/97	FIRST NAMED INVENTOR NAGANO	ATTORNEY DOCKET NO. M 35.C9371-CII
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005514  
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WM02/0410

EXAMINER

WILSON, J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Advisory Action

Application No.  
08/848,243

Applicant(s)  
Nagano

Examiner  
Jacqueline Wilson

Group Art Unit  
2712



## THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires five months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Mar 19, 2001 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☒ The proposed amendment(s):
- ☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☐ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
  - ☐ they raise the issue of new matter. (See note below).
  - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Applicant's response has overcome the following rejection(s):

\_\_\_\_\_  
\_\_\_\_\_

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
The added limitation "to be used for photography" does not place the application in condition for allowance. See also the attached sheet.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 1-12

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.


- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

- ☐ Other

Art Unit: 2612

### ADVISORY ACTION

The applicant argues that Toda '847 fails to teach correction means functioning together with the photoelectric conversion means and the memory means. The examiner disagrees. As mentioned in paper no. 40, the examiner states that it would have been obvious, if not inherent, for Toda et al.'847 to have a memory means which stores correcting information corresponding to at least one of the light transmission factor and the light transmission amount of the physical element according to the image signal output from the photoelectric conversion means. As stated in col. 29, lines 35-42, Toda et al.'847 discloses that the white balance correcting circuit 427 controls the gain of the color signal level so that the spectral transmission variation of the iris value may be corrected. Figure 42 shows spectral characteristics in which the iris is fully opened and throttled. In order to correct for spectral characteristics based on the output, it would have been obvious to have a memory with stored correction values for changing these characteristics so that even when the iris varies, the spectral transmission variation may be corrected since Toda et al.'847 states that the white balance correcting circuit makes a correction in response to the characteristics and outputs. Therefore, the rejection is maintained.

  
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